

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

DAWN MARIE CARTEE, :
: Plaintiff, :
: v. : File No. 1:15-cv-00215-jgm
: CAROLYN W. COLVIN, :
Commissioner of Social Security, :
: Defendant. :
_____ :

MEMORANDUM AND ORDER
(Docs. 9, 15)

Plaintiff Dawn Marie Cartee brings this action under 42 U.S.C. § 405(g) of the Social Security Act, requesting review and reversal of the Commissioner of Social Security's denial of her application for supplemental security income. (Doc. 3 (Compl.).) Pending before the Court are Cartee's motion seeking an order reversing the Commissioner's decision (Doc. 9), and the Commissioner's motion seeking an order reversing and remanding her decision (Doc. 15). Cartee filed a reply to the Commissioner's motion. (Doc. 16.)

It is hereby ORDERED that Cartee's motion to reverse is granted in part and denied in part and the Commissioner's motion to reverse and remand is granted in part and denied in part. The decision of the Commissioner is reversed pursuant to sentence four of 42 U.S.C. § 405(g), with remand to the Commissioner for further proceedings. See Shalala v. Schaefer, 509 U.S. 292, 296-97 & n.1 (1993).

On remand, the Appeals Council will remand this case to a different Administrative Law Judge for further proceedings, including the admission of the opinions of Dr. Caloras without the procedural hurdles of 20 C.F.R. § 405.331(b) or (c), properly assessing the opinion evidence--

including the opinions of Dr. Caloras and Lori Gurney, M.S.--under the relevant regulations and social security rulings, and taking any further action necessary to complete the administrative record and issue a new decision.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 27th day of September, 2016.

/s/ J. Garvan Murtha
Honorable J. Garvan Murtha
United States District Judge